

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PATRICIA BAKER

Plaintiff,

vs.

JASON SNEAD,
AMAZON.COM, INC., and
JOHN DOE

Defendants.

CIVIL ACTION

NO.:

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441 and § 1332(a)(1), Defendant, Amazon.com, Inc. (“Amazon”), by and through its counsel, WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, hereby remove this action to the United States District Court for the Eastern District of Pennsylvania from the Court of Common Pleas of Philadelphia County, Pennsylvania on the following grounds:

1. Plaintiff, Patricia Baker commenced this civil action by filing a Civil Action Complaint in the Court of Common Pleas of Philadelphia County, Pennsylvania on or about May 5, 2021. A true and correct copy of the Complaint is attached hereto as Exhibit “A.”

2. Plaintiff’s Complaint pertains to personal injuries allegedly sustained in a motor vehicle accident that occurred on February 23, 2020. *See* Complaint, ¶¶ 5-7.

3. This civil action is a controversy between citizens of different states.

4. Plaintiff is a citizen of Pennsylvania with an address located at 118 S. 21st Street, Philadelphia, Pennsylvania 19103.

5. Plaintiff alleges that Defendant Jason Snead is a citizen of the state of Delaware with a domicile at 27 N. Cannon Drive, Wilmington, Delaware 19809. *See* Complaint, ¶ 4.

6. Defendant Amazon is a corporate entity with a principal place of business located in the state of Washington at 410 Terry Avenue North, Seattle, Washington 98109.

7. Plaintiff alleges that Defendant John Doe is an individual or business entity with a domicile or principal place of business located at 410 Terry Avenue North, Seattle, Washington, 98109. *See* Complaint, ¶ 4.

8. Accordingly, the parties are citizens of different states and the diversity of citizenship requirement as outlined in 28 U.S.C. § 1332(a) is satisfied.

9. Without admission thereto, the Complaint asserts claims for negligence and negligence entrustment/respondeat superior, and seeks recovery of both past and future compensatory damages for alleged pain and suffering, loss of physical function, loss of earnings and earning capacity. *See* Complaint, ¶¶ 10-14.

10. Based upon the allegations of Plaintiff's Complaint, Plaintiff's damages exceed the \$75,000.00 minimum amount in controversy requirement as outlined in 28 U.S.C. § 1332(a).

11. Accordingly, this District Court has diversity jurisdiction over this lawsuit.

12. Venue is proper in this District Court as the alleged accident occurred in this judicial District and Plaintiff is domiciled in Philadelphia County, which is within this judicial District.

13. Upon information and belief, Plaintiff's Complaint was served upon Amazon via certified mail on or about May 10, 2021.

14. This Notice of Removal is timely as it is being filed within thirty (30) days of the service of the Complaint as required by 28 U.S.C. § 1446(b).

15. Pursuant to the provisions of 28 U.S.C. § 1446(a), copies of all state-court papers which are in Amazon's possession at, or before, the time of removal (consisting of the Complaint, Affidavits of Service, and Entries of Appearance) are attached to this Notice as Exhibit "A."

16. Therefore, this civil action is properly removable pursuant to 28 U.S.C. § 1332(a)(1) and may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a-b) in that it is a civil action between citizens of different states, and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

17. Upon filing the within Notice of Removal in the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania, Defendant, Amazon have given notice to counsel for Plaintiff and will file a copy of this Notice with the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania.

WHEREFORE, Defendant, Amazon.com, Inc., respectfully request that this action proceed as though originally commenced in this Court.

Respectfully submitted,

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

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